IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

WP(C).No. 4752 of 2005(N)

OS.395/1999 of II ADDL.SUB COURT,TRIVANDRUM

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PETITIONER:

JUSTINE RAJ, S/O.SELVARAJ,
WRONGLY STATED TO BE RESIDING AT SANGEETHAM,
VNRA.N. 12, PANGDU, THIRUMALA, THIRUVANANTHAPURAM,
AND ACTUALLY RESIDING AT SUJA BHAVAN,
EAITHUKONDAKANI, KOLLAYIL VILLAGE, AMARAVILA P.O.,
NEYYATTINKARA TALUK.

BY ADV. SRI.V.SURESH
SRI.G.SUDHEER

RESPONDENT:

JUSTINE GEORGE, S/O.JUSTIN,
KAIVANVILA PUTHENVEEDU,
KOLLAYIL VILLAGE, NEYYATTINKARA TALUK.

BY ADV. SRI.M.R.ANANDAKUTTAN
SRI.B.SATHIQ
SRI.R.S.MADHU
SRI.MAHESH ANANDAKUTTAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF PLAINT FILED BY THE PETITIONER ON 28.09.99 BEFORE THE IIND ADDITONAL SUB COURT, THIRUVANANTHAPURAM.

EXT.P2 : TRUE COPY OF IA NO.5019/1999 FILED BY THE PETITIONER BEFORE THE IIND ADDITIONAL SUB COURT, THIRUVANANTHAPURAM.

EXT.P3 : TRUE COPY OF WRITTEN STATEMENT FIELD BY THE PETITIONER IN OS NO.395 OF 1999 BEFORE THE II ND ADDITIONAL SUB COURT, THIRUVANANTHAPURAM.

EXT.P4 : TRUE COPY OF THE ORDER DT.20.09.04 PASSED BY THE IIND ADDITIONAL SUB COURT, THIRUVANANTHAPURAM IN OS NO.395 OF 1999.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 4792 OF 2005

Dated this the 9th day of July, 2007

JUDGMENT

The strenuous and persuasive submissions of Mr.G.Sudheer notwithstanding, I am not able to agree with him in his submission that Ext.P4 order of the learned Subordinate Judge is vitiated to the extent of warranting interference by this Court under its supervisory jurisdiction which is visitorial in nature and is expected to be invoked only in exceptional circumstances. Under the impugned order the court below found that it has got territorial jurisdiction to entertain and try the suit for recovery of money filed by the plaintiff. Copy of the plaint is Ext.P1 and on reading through Ext.P1, I find that the suit is laid both on the original cause of action and on the basis of two dishonoured cheques. Both of these cheques were drawn by the defendant on the Banks at Thiruvananthapuram. Written Statement filed by the defendant is produced as Ext.P3. On a conjoint reading of Exts.P1 and P3, there is no difficulty to accept the view of the learned Subordinate Judge that whether the cheques in question had been issued as the plaintiff alleges (if that allegation is disputed by the plaintiff) will constitute among other material facts, cause of action for the suit. Thus the learned Subordinate Judge is right in his view that part of the cause action has

arisen within the limits of the Thiruvananthapuram Court and the said court has jurisdiction under Section 20 C of the CPC. The challenge against Ext.P4 fails. The Writ Petition is dismissed.

PIUS C. KURIAKOSE, JUDGE

btt